IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 27015 of 2003

Between:

K.Eswara Rao S/o. Late Sanyasi
F.P.Shop Dealer, Shop.No.54, Singanna, Banda village,
Bheemunipatnam Mandal, Visakhapatnam Dist.

..... PETITIONER

AND

1 The Govt.of A.P.rep.by its Dir.of Civil Supplies and Ex-officio,

Addl.Secretary, Hyderabad.
2 The Joint Collector,Visakhapatnam, , Visakhapatnam Dist.
3 The Revenue Divsional Officer, Visakhapatnam, Visakhapatnam District.
4 The Mandal Revenue officer, Bheemunipatnam Mandal,Visakhapatnam Dist.
5 Smt.K.Appala Raju W/o.Venkata Rao,
Singanna Banda Village, Bheemunipatnam Mandal,Visakhapatnam Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the order passed by the 1st respondent herein in CCS.Ref.No.N3/ 6494/2003, dated 11-12-2003 and the consequential proceedings issued by the 4th respondent herein in Rc.NO.68/2002/A, dated 18-12-2003, as arbitrary, illegal and without jurisdiction and consequently direct the respondents to continue the petitioner as Fair price

shop dealer of Shop No. 54 of Singanna Banda Village, Bheemunipatnam Mandal, Visakhapatnam Dist. and pass such other order or orders.

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5: Mr. G.Rama Gopal.

The Court made the following :

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THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO. 27015 OF 2003

ORDER:-

Heard both sides and at their request, the main writ petition itself is taken up for disposal at the stage of Interlocutory Application.

Petitioner, who is a license-holder, seeks to assail the order passed by first respondent dated 11-12-2003 directing the Appellate Authority – second respondent herein to take up the subject proceedings as appeal and dispose of the same.

The main grievance of the petitioner is that though his license was suspended on 4-5-2002 because of certain allegations made against him, however, he preferred appeal before the second respondent against the said suspension order and obtained stay. Subsequently, the main appeal was disposed of on 2-8-2003 directing the Revenue Divisional Officer to take a final decision in the matter. However, subsequently, contesting respondent filed a representation before first

respondent, which was entertained and ultimately a direction was given to the Appellate Authority to consider the same. The objection raised on behalf of the petitioner is that having regard to the nature of remedies as provided under law, the Government has no power to entertain the representation filed by the contesting respondent, which is illegal.

Having considered the submissions made on either side and on perusal of the material on record, it is seen that no doubt first respondent has no such power to entertain the representation of the contesting respondent and the remedy is to approach the concerned authorities. However, it is open to the party aggrieved to file regular appeal before second respondent which can be disposed of on merits.

Accordingly, the writ petition is disposed of by setting aside the impugned order. Fifth respondent is directed to file appeal before second respondent within a period of two weeks from today and on receipt of which, the same shall be disposed of by second respondent, after giving notice to both the parties. It is needless to mention that the petitioner is permitted to continue to run the business. No costs.

19—07—2004.

Stv/-

Note: Issue C.C. in one week.

(B.O.)

C.M.

To

1 The Govt.of A.P.rep.by its Dir.of Civil Supplies and Ex-officio,

Addl.Secretary, Hyderabad.
2 The Joint Collector,Visakhapatnam, Visakhapatnam, Visakhapatnam Dist.
3 The Revenue Divsional Officer, Visakhapatnam, Visakhapatnam.
4 The Mandal Revenue officer, Bheemunipatnam Mandal,Visakhapatnam Dist.
5 Two CCs to the G.P for Civil Supplies, High court Buildings, Hyderabad,

(O.U.T).

6 Two CD copies.